



INTEGRATED
WASTE
MANAGEMENT
BOARD

**FARM AND RANCH SOLID WASTE CLEANUP AND ABATEMENT
GRANT PROGRAM**

PRELIMINARY DRAFT REGULATIONS

MARCH 27, 1998

TITLE 14. NATURAL RESOURCES
DIVISION 7. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

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CHAPTER 11. FARM AND RANCH SOLID WASTE CLEANUP AND ABATEMENT GRANT PROGRAM

ARTICLE 1. AUTHORITY

§ 19000 SCOPE

(a) Regulations contained herein are promulgated pursuant to Public Resources Code (PRC) Chapter 2.5 of Part 7 of Division 30. These regulations implement the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, a grant program for local agencies for purposes of cleaning up and abating the effects of solid waste that is illegally disposed of on farm or ranch property.

(b) Notwithstanding any other provision, ~~the grant program shall be funded from the following funds:~~

- (1) The Integrated Waste Management Fund.
- (2) The California Tire Recycling Management Fund.
- (3) The California Used Oil Recycling Fund.

(c) ~~The Board would be authorized to expend the money in the account of the grant program upon appropriation by the Legislature in the annual Budget Act.~~

(d) In implementing this program, the Board is vested, in addition to its other powers, with all the powers of an enforcement agency under Division 30 of the PRC.

(e) Each year, as part of the annual report required to be submitted pursuant to Section 40507, the Board shall report to the Governor and the Legislature on the actions it has taken under the grant program and the number of illegal sites that have been cleaned up and abated pursuant to the grant program.

NOTE: Authority cited: Sections 48100, Public Resources Code. Reference: Section 48100, Public Resources Code.

ARTICLE 2. DEFINITIONS

§ 19001. DEFINITIONS

For the purposes of this Chapter:

(a) "Farm and/or Ranch property" means a piece of property, publicly or privately owned, that is used for ~~rangeland~~ or agricultural activities such as, but not limited to horticultural, aquacultural, silvicultural, floricultural, vermicultural and viticultural. Farm or ranch property need not have active sales or production but shall be appropriately zoned or otherwise authorized for agricultural activities. ~~Farm or ranch property~~

DRAFT REGULATIONS- MARCH 27, 1998
FARM AND RANCH SOLID WASTE CLEANUP AND ABATEMENT PROGRAM (14 CCR, DIVISION 7, CHAPTER 11)
(UNDERLINE/STRIKEOUT-SHADE DENOTES ADDITIONS/DELETIONS FROM FEBRUARY 18, 1998 VERSION)

1 ~~includes appropriate measures to protect the public health and safety of the community~~
2 ~~roads and utilities.~~

3
4 (b) "Applicant" means a local agency ~~or other public entity~~ applying for a grant for cleanup
5 and/or abatement administered by the California Integrated Waste Management Board.

6
7 (c) "Agreement" means a memorandum of understanding between the Board
8 and a local government.

9
10 (d) "Board" means the California Integrated Waste Management Board.

11
12 (e) "Grant recipient or grantee" means an applicant whose grant application has
13 been approved and who has executed a grant agreement pursuant to Pubic Resources
14 Code section 48101(c).

15
16 (f) "Illegal disposal site" means:

17 (1) An area within farm or ranch ~~where unauthorized disposal of solid waste has taken place~~
18 ~~where unauthorized disposal of solid waste has taken place~~ where unauthorized disposal of solid waste has taken place to the
19 extent that cleanup may be required to ~~protect public health and safety~~ or protect public health and
20 safety and/or the environment, and

21 (2) The site is not permitted and not exempt from obtaining a permit and is not
22 closed or excluded from the requirement to obtain a Solid Waste Facilities Permit.

23
24 (g) "Local agency" means a local public entity that is a county or city.

25
26 (h) "Nuisance" includes anything which is injurious to human health or is
27 indecent or offensive to the senses and interferes with the comfortable enjoyment of life
28 or property, and ~~affects~~ at the same time affects an entire community, neighborhood,
29 household or any considerable number of persons although the extent of the
30 annoyance or damage inflicted upon an individual may be unequal and which occurs as
31 a result of the storage, removal, transport, processing or disposal of solid waste.

32
33 (i) "Remedial action" means any action to abate, prevent, minimize, stabilize,
34 mitigate, or eliminate a threat to public health and safety and/or the environment.

35
36 (j) "Responsible party" means any individual; trust; firm; joint stock company;
37 Native American tribe, corporation, including a government corporation; partnership;
38 joint venture; association; city; county; district; the state, including any department or
39 agency thereof; or any department or agency of the United States to the extent
40 authorized by federal law who by contract, agreement or otherwise arranged for the
41 transportation to and/or disposal of solid waste at the site;

1 The term "responsible party", as defined above, may only be construed within the
2 context of this Article and Public Resources Code sections 48100 et seq. and shall not
3 be interpreted under any other local, state, or federal statute.

4
5 (k) "Responsible party cannot be identified" means the responsible party cannot
6 be identified or found after a search of public records, investigation, and consultation
7 with other enforcement agencies.

8
9 (l) "Threat" or "threaten" means a condition creating a probability of substantial
10 harm, when the probability and potential extent of harm make it reasonably necessary
11 to take immediate action to prevent, reduce, or mitigate damages to persons, property,
12 natural resources, or the public health or safety.

13
14 NOTE: Authority cited: Sections 48100, Public Resources Code.

15
16 **ARTICLE 3. SITE SELECTION AND RANKING CRITERIA**

17
18 **§ 19002. SITE ELIGIBILITY.**

19
20 Candidate sites may be eligible for funding if:

21
22 (a) The site is an illegal disposal site as defined in section 19001;

23
24 (b) The responsible party either cannot be identified or located to pay for timely
25 and proper remediation;

26
27 (c) ~~The present property owner must own the property at the time the illegal~~
28 ~~dumping occurred;~~

29
30 (d) Remedial action is required to protect public health and safety and/or the
31 environment, or to abate a nuisance; ~~and~~

32
33 (e) No local agency or private property owner shall be eligible for a grant if it is
34 determined that the local agency or private property owner was responsible for the
35 illegal disposal of solid waste on the farm or ranch property.

36
37 (f) ~~Reimbursement of costs previously incurred by a farm or ranch property owner~~
38 ~~cleanup or abatement of an illegal site is allowed only if verification and documentation~~
39 ~~is provided that the above conditions have been met and that the costs incurred were~~
40 ~~used specifically for the cleanup or abatement work.~~

41
42 NOTE: Authority cited: Sections 48102, 48104 and 48106, Public Resources Code.
43 Reference: Sections 48102 and 48104 and 48106, Public Resources Code.

§ 19003. Site Ranking Criteria

(a) The Board shall prioritize sites for eligibility based on the following factors
~~(not in the exact order of importance):~~

(1) The ability of the site owner and or responsible parties to promptly and properly remediate the site without monetary assistance;

(2) The ability of the City or County to adequately remediate the site with available funds;

(3) The maximization of available funds;

(4) The availability of other appropriate federal or state response mechanisms to respond to the threat;

(5) The actual or potential degree of risk to public health and safety and/or the environment posed by conditions at the site as determined by the Board.

(6) The local agency's ability to obtain site access for the proposed remediation.

(7) The prior remediation of the site with funds granted to a local agency under this Chapter.

~~(8) Property ownership at the time the illegal disposal occurred.~~

NOTE: Authority cited: Sections 48100 and 48104, Public Resources Code. Reference: Sections 48104, Public Resources Code.

§ 19004. ELIGIBLE AND INELIGIBLE REMEDIAL ACTIONS.

(a) Remedial actions that are appropriate for the use of funds include, but are not limited to: waste removal and disposal; drainage controls; grading; slope and foundation stabilization; excavation, revegetation, recycling, ~~and site security. Public education to prevent reoccurrence of the illegal disposal is eligible for funding only if included with any of the above eligible remedial actions.~~

(b) Ineligible remedial actions include, but are not limited to: closure as defined in Section 20164 of Title 27, Division 2 of the California Code of Regulations; ground water remediation; operation and maintenance of leachate, surface water, or vadose zone monitoring systems; closure and postclosure maintenance services; improvements to property for postclosure land uses; preparation of closure or postclosure maintenance plans; removal, abatement, cleanup or otherwise handling of hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. section 9601(14)]; and other remedial actions deemed ineligible by the Board.

NOTE: Authority cited: Sections 40502 and 48025, Public Resources Code.

1 **ARTICLE 4. GRANTS TO LOCAL AGENCIES**

2
3 **§ 19010. PURPOSE.**

4
5 (a) The Board may make grants directly from the fund to local agencies. Grants
6 shall be used to assist the Board in complying with Public Resources Code section
7 48100 et seq.

8
9 (b) The regulations contained in this Article set forth the requirements to apply for
10 and receive grant funds from the fund.

11
12 NOTE: Authority cited: Section 48100 and 48101(a), Public Resources Code.
13 Reference: Section 48100 and 48101(a), Public Resources Code.

14
15 **§ 19011. Local Agency Grant Eligibility.**

16
17 (a) The Board shall give priority to local agencies that have established
18 innovative and cost-effective programs designed to discourage illegal waste disposal
19 and to encourage the proper waste disposal in permitted solid waste disposal facilities.

20
21 (b) Local Agencies that are authorized by resolution of their local governments
22 to file an application with the Board for grant funds and enter into and execute a grant
23 agreement, or a letter of authority from the local governing body authorizing such
24 commitments by the signatory of the application and agreement.

25
26 (c) Grants to Local Agencies may be used only for remedial actions at illegal
27 disposal sites within their jurisdiction.

28
29 (d) Grant funds may be used only for those eligible costs pursuant to section
30 19004.

31
32 NOTE: Authority cited: Sections 48100 and 48101(a), Public Resources Code.
33 Reference: Section 48101(a), Public Resources Code.

34
35 **§ 19012. Local Agency Grant Requirements.**

36
37 (a) Grants made pursuant to this Article shall be subject to the following
38 requirements:

39 (1) The terms of any approved grant shall be specified in a grant agreement
40 between the grant recipient and the Board.

41 (2) The Board shall not finance more than fifty thousand dollars (\$50,000) per
42 year for any single city or county and not to exceed ten thousand dollars (\$10,000) for

9-11

any single cleanup or abatement project. Funding of administrative costs of the city or county shall not exceed 3 percent of the grant.

(3) The Board or the Department of Finance may audit the recipient's records and/or any contractor or subcontractor regarding moneys received pursuant to this Article.

NOTE: Authority cited: Sections 48100 and 48101(a), Public Resources Code.

Reference: Section 48101(a), Public Resources Code.

§ 19013. Local Agency Grant Application Process.

(a) Applications for grant funds shall be submitted to the Board on a yearly basis ~~or as determined by the Board.~~

(b) Jurisdictions with eligible sites shall submit applications on forms approved by and provided by the Board. All materials submitted shall become the property of the Board.

NOTE: Authority cited: Sections 48100 and 48101, Public Resources Code.

§ 19014. Preliminary Review of Grant Applications.

(a) All applications to be considered for grant award must be submitted by the date indicated by the Board.

(b) Upon timely receipt, Board staff shall review each application to determine whether the application is complete.

(1) If the application is incomplete, it will not be considered any further.

(2) If the applicant is complete, it will be evaluated by Board staff.

NOTE: Authority cited: Sections 48100 and 48101, Public Resources Code.

§ 19015. Review of Complete Grant Applications and Board Approval

(a) Upon determination that an application is complete, Board staff shall review each application and prepare a summary of findings. Applications that meet the following criteria shall be considered by the Board:

(1) The applicant has adequately demonstrated the appropriateness of the grant for use in the project as specified pursuant to section 19004 of this Article.

(2) Solid waste collected by the grant recipient shall be recycled or reused to the maximum extent feasible.

NOTE: Authority cited: Sections 48100 and 48104, Public Resources Code. Reference: Section 48104, Public Resources Code.

§ 19016. Local Agency Grant Agreement.

(a) If the Board approves the grant, the applicant and the Board shall enter into a written grant agreement that identifies and ensures compliance with the terms and conditions specified in section 19004 and any other special conditions or terms which the Board may deem necessary.

(b) All funds shall be disbursed pursuant to the terms of the grant agreement.

(c) The grant recipient must obtain prior written approval from the Board, or its designated representative, for any changes in the grant agreement. All requests must include a description of the proposed change(s) and the reason(s) for the change(s).

(d) The Board may terminate any grant in whole, or in part, at any time prior to the date of completion, whenever it is determined by the Board, that the recipient has failed to comply with the terms of the grant agreement. The Board shall notify the recipient in writing of the reasons for the termination of the grant and the effective date of the termination within five working days of the determination.

NOTE: Authority cited: Section 48100, Public Resources Code.

ARTICLE 5. ENFORCEMENT

§ 19020. FINES AND ABATEMENT ORDERS

(a) Any fines levied on, or abatement orders issued against, a farm or ranch property owner by the local enforcement agency or other local agency as the result of solid waste disposed of on the owner's ranch or farm property, regarding which the owner has made application to a city or county for a grant under this chapter, shall, upon the owner's written request to the local enforcement agency or other local agency, be stayed if:

(1) the local agency makes a decision that the property owner was not responsible for the dumping or

(2) the property owner has filed a written appeal of the local agency's decision to the Board and the Board's decision on the matter is pending.

(b) If the local agency does not make a decision pursuant to subsection (a)(1) within 30 days from the date of receipt of the farm or ranch property owner's written request, the property owner may file a written appeal to the Board pursuant to subsection (a)(2).

NOTE: Authority cited: Section 48101, Public Resources Code.